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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/644,884

08/21/2003

Donald T. Cameron

20003.0074

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07/12/2004

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EXAMINER

ELLINGTON, ALANDRA

ART UNIT

PAPER NUMBER

2855

DATE MAILED: 07/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/644,884	Applicant(s) CAMERON, DONALD T.	
	Examiner Alandra N Ellington	Art Unit 2855	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on amendment filed 6/2/04.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 19-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 19-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Final Rejection

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 19-26 are rejected under 35 U.S.C. 102(b) as being anticipated by Muldoon (5,421,098).

a. With respect to Claim 19, Muldoon discloses a device for measuring alignment of a golf club with a shaft and a head having a strike face and a back face, the device comprising: a base member 52,54 having a top surface 56; an abutment member 64 coupled to said base member 52 for abutting the strike face (col. 5 lines 25-26, col. 6 lines 33-36); at least one clamping member 73 for abutting the back face, said at least one clamping member 73 being disposed on said base member 52 and spaced from said abutment member 64 to fix the golf club head 18 in a first direction between said at least one clamping member 73 and said abutment member 64 (col. 5 lines 37-41 {Figs. 7 and 15}); a carriage 76 coupled to said base member 52 (col. 5 lines 44-48, col. 6 lines 9-18 {Fig. 6}); and a measurement member 74,98 disposed in a plane generally perpendicular to said top surface 56 and coupled to said carriage 76 in an opposing relation to said clamping member 73, said measurement member 74,98 comprising a cradle 86 rotatably coupled to said measurement member 74,98 to receive the shaft 14

{{Figs. 6-8}}; wherein the positioning of said measurement member 74,98 simultaneously indicates the loft angle 102 and lie angle of the golf club 12 (col. 7 lines 1-37 {Figs. 8-10}).

b. With respect to Claim 20, Muldoon discloses the device of claim 19, wherein said measurement member 74,98 is slidably and pivotably mounted (col. 5 lines 44-53, col. 6 lines 50-68, col. 7 lines 1-12 {Figs. 6-9}).

c. With respect to Claim 21, Muldoon discloses the device of claim 20, wherein said measurement member 74,98 is slidable in a direction generally transverse to said clamping member 73 and pivotable in a direction generally parallel to said clamping member 73 (col. 5 lines 44-53, col. 6 lines 50-68, col. 7 lines 1-12 {Figs. 6-9}).

d. With respect to Claim 22, Muldoon discloses the device of claim 21, wherein said measurement member 74,98 is slidable in a direction generally parallel to said clamping member 73 (col. 5 lines 44-53, col. 6 lines 50-68, col. 7 lines 1-12 {Figs. 6-9}).

e. With respect to Claim 23, Muldoon discloses the device of claim 19, wherein said measurement member 74,98 comprises a first indicator 98 for indicating lie and a second indicator 102 for indicating loft (col. 7 lines 1-37 {Figs. 8-10}).

f. With respect to Claim 24, Muldoon discloses the device of claim 23, wherein said first indicator 98 comprises a fixed scale and a movable needle 100,

said needle 100 being coupled to said cradle 86 for receiving the shaft 14 (col. 6 lines 50-68, col. 7 lines 1-21, col. 8 lines 28-30 {Fig. 8}).

g. With respect to Claim 25, Muldoon discloses the device of claim 24, wherein said second indicator 102 comprises a movable scale and a fixed needle 104 (col. 7 lines 22-37 {Fig. 9 and 10}).

h. With respect to Claim 26, Muldoon discloses the device of claim 19, wherein said base member 52 further comprises at least two leveling bearings 61 for abutting a sole of the head 18 (col. 6 lines 37-41 {Figs. 3 and 8}).

Response to Arguments

3. Applicant's arguments filed 6/2/04 have been fully considered but they are not persuasive.

4. With respect to the remarks made on page 4 of the amendment, the Examiner agrees that the loft angle indicator 92 is connected to the carriage portion 78. However, the Examiner was referring to the section of claim 19 wherein the Applicant states "said measurement member comprising a *cradle* rotatably coupled to said measurement member to receive the shaft." The figures and specification fail to disclose a loft angle indicator 92 with a cradle. The only cradle taught in the specification is cradle 96, which is attached to the lie angle indicator 91. Also, claim 19 states "the positioning of said measurement member simultaneously indicates the *loft angle* and *lie angle* of the golf club." Lie angle indicator 91 is the only indicator that meets the criteria of the measurement member as disclosed in claim 19 that is rotatably coupled to a cradle 92. The measurement member will only indicate the lie angle of the golf club. Therefore, all

of the limitations set forth in the claim are not taught by the specification or figures presented by the Applicant.

5. The Applicant argues that the cited art fails to teach a measurement member coupled to a carriage in an opposing relation to a clamping member.

6. In Fig. 7, Muldoon discloses the slidable base assembly 76 movable toward and away from the club (col. 6 lines 9-17). Muldoon teaches the lie gauge 98 and loft gauge 102 coupled to each other through the upright brace 88 and pivoting arm assembly 78 (col. 5 lines 49-53, col. 7 lines 18-25 {Figs. 6 and 7}). Note that the pivoting arm assembly 78 and the upright brace 88 are coupled to the slidable base assembly 76 (col. 5 lines 45-53 {Fig. 6}). The slidable base assembly 76 slid to its most extreme forward position (col. 6 lines 14,15) shows the lie measuring bracket 86 and upright brace 88 coupled to the subassembly 76 in an opposing relation to the clamping block 73. As seen in Fig. 7, the lie measuring bracket 86 and brace 88 are on the opposite side of the golf club head 94 from the clamping block 73 ({Fig. 7}).

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

8. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alandra N Ellington whose telephone number is (571) 272-2178. The examiner can normally be reached on Monday - Friday, 7:30am - 4:00pm.

10. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Lefkowitz can be reached on (571) 272-2180. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

11. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Alandra Ellington
Art Unit 2855



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